

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 10798 OF 2017***

Smt. Nalini Rajaram Sonawane  
(Mrs. Nalini Atul Gaikwad)

Petitioner

Versus

The State of Maharashtra & Ors.

Respondents

Ms. Manisha Devkar i/b. Mr. S.M.Katkar, for the Petitioner.

Mr. S.B.Kalel, AGP, for the State.

Mr. Rahul Nerlekar, for Respondents Nos. 4 & 5.

***CORAM : RANJIT MORE &  
SMT. SADHANA S.JADHAV,JJ.  
DATE :23rd March, 2018.***

**P.C. :**

The petition is filed seeking direction to Respondent No.3 – Education Officer (Secondary), Zilla Parishad, Pune to grant approval to the appointment of petitioner as Assistant Teacher.

2. The petitioner has prayed for the relief of directing Respondent No.3 to accord approval for her appointment as a Shikshan Sevak with effect from 10.10.2010 and the as an Assistant Teacher with effect from 11.10.2015 and consequently pay the salary as admissible for three years to the post of Shikshan Sevak

and thereafter as an Assistant Teacher from 11.10.2015.

3. Learned counsel for the petitioner submits that that 50% of the period of service rendered as a part-time teacher by the petitioner is required to be counted while considering the petitioner's three years tenure as Shikshan Sevak. According to the learned counsel, the petitioner has completed three years in service in 2015 and thereafter she is deemed to have been appointed as a Shikshan Sevak and therefore entitled for approval as Shikshan Sevak for the period between 1.12.2010 to 10.10.2015 and for subsequent period she is entitled for approval as an assistant teacher.

4. The learned AGP however submits that the proposal of respondent No.5 Management was only for approval of the petitioner's service as Shikshan Sevak. According to learned AGP, the petitioner's service as Shikshan Sevak for the period 10.10.2014 to 9.10.2017 was approved subject to conditions as per letter dated 22.3.2018. It is also submitted that the appointment of the petitioner is in contravention of the Circular dated 6.2.2012 and

therefore the prayers cannot be granted.

5. The petitioner was appointed as part-time Assistant Teacher from 1.12.2010 to 30.4.2011. She was then appointed from 15.6.2011 to 30.4.2012, from 15.6.2012 to 30.4.2013, and from 17.6.2013 to 30.4.2014 as a part-time teacher. The service period was approved by Respondent No.3 retrospectively. She has, in all, put in 36.5 months as part-time Assistant Teacher prior to her appointment as Shikshan Sevak vide order dated 10.10.2014 for the period 10.10.2014 to 9.10.2017 which was approved subject to the conditions vide letter dated 22.3.2018. The 50% service rendered by the petitioner as part-time Assistant Teacher required to be counted while granting her approval as Shikshan Sevak.

6. In the above circumstances, we direct Respondent No.5 to send the modified proposal of the petitioner for approval as Assistant Teacher along with the records in the light of the discussion hereinabove. Such proposal should be sent within a period of four weeks from the date of receipt of this order. Respondent No.3 – Education Officer (Secondary), Zilla Parishad, Pune, shall decide the same expeditiously and in any case within a

period of four weeks after receipt of the proposal and communicate the same to the petitioner as well as Respondent No.5. Respondent No.3 is at liberty to modify the order dated 22.3.2018 granting approval to the petitioner's appointment as Shikshan Sevak from 10.10.2014 to 9.10.2017.

Subject to above, the petition is disposed of.

***[SMT. SADHANA S.JADHAV, J.]***

***[RANJIT MORE, J.]***